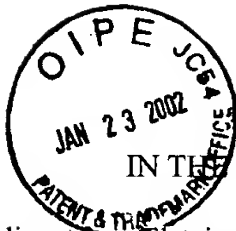


App. Serial No. 09/744,148
 Atty. Dkt: LLE-007.01
 (21379-701)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Elstein et al.

Atty Docket: LLE-007.01
 (21379-701)

Serial No.: 09/744,148

Art Unit: N/A

Date Filed: January 19, 2001

Examiner: Tung, B.

Based on PCT/IL99/00381 Filed: July 12, 1999

Date: December 18, 2001

Invention: SOLAR BLIND UV VIEWING APPARATUS
 AND CAMERA

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231 on December 18, 2001.

William Homan
 William Homan

RECEIVED
 31 JAN 2002
 International Division

Commissioner for Patents
 U.S. Patent and Trademark Office
 Washington, D.C. 20231

Renewed Petition Under 37 § 1.181

Dear Sir:

In response to the U.S. Patent and Trademark - PCT Division's decision dated December 5, 2001, in which the PCT Examiner Brian Tung denied Applicants' request that the executed Declaration for the above application be considered as timely filed in response to the Notification of Missing Requirements, dated February 26, 2001, Applicants submit the following:

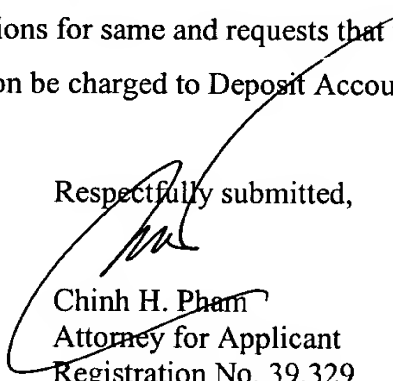
- 1) A Statement of Facts regarding the filing of the executed Declaration;
- 2) Affidavit by Robert King attesting that the executed Declaration was mailed on the date indicated in the Certificate of Mailing accompanying the Declaration;
- 3) Copies of the Response to the Notification of Missing Requirements, as filed, including a copy of the executed Declaration and a copy of the returned postcard, as filed, and as stamped by the DO/EO/US;

- 4) Copies of notes of conversation between Applicants' attorney and the DO/EO/US;
and
- 5) Copies of the Notification of Missing Requirements, Notification of
Abandonment, and Decision to Deny Response to Notification of Missing
Requirements.

In view of the above submission, Applicants petition that the Commissioner accept the
executed Declaration as being timely filed with the Response to the Notification of Missing
Requirements.

Applicant does not believe that any fee or extension is needed in connection with
response. However, should any extension or fee be required for timely consideration of the
present response, Applicant hereby petitions for same and requests that the extension fee and any
other fee required for timely consideration be charged to Deposit Account No. 06-1448.

Respectfully submitted,


Chinh H. Pham
Attorney for Applicant
Registration No. 39,329

Foley, Hoag & Eliot LLP
One Post Office Square
Boston, MA 02109
T: (617) 832-1000
F: (617) 832-7000

Customer ID No. 25181



App. Serial No. 09/744,148
Atty. Dkt: LLE-007.01
(21379-701)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Elstein et al..

Atty Docket: LLE-007.01
(21379-701)

Serial No.: 09/744,148

Art Unit: N/A

Date Filed: January 19, 2001

Examiner: Tung, B.

Based on PCT/IL99/00381 Filed: July 12, 1999

Date: December 18, 2001

**Invention: SOLAR BLIND UV VIEWING APPARATUS
AND CAMERA**

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William Homan
William Homan

Commissioner for Patents
U.S. Patent and Trademark Office
Washington, D.C. 20231

Statement of Facts

1. On July 12, 1999, Applicants filed international application PCT/IL99/00381, which claimed priority to an earlier Israeli application, filed July 20, 1998. A copy of the international application was communicated to the U.S. Patent and Trademark Office from the International Bureau on February 3, 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on February 11, 2000, prior to the expiration of nineteen (19) months from the priority date. The thirty (30) month period for paying the basic national fee in the United States expired at midnight on January 22, 2001 (January 20, 2001 was as Saturday).

2. On January 19, 2001, Applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. § 371(c)(1).

3. On February 26, 2001, the DO/EO/US mailed a Notification of Missing Requirements under 35 U.S.C. § 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 C.F.R. § 1.497 must be filed. A copy of this is provided as Exhibit A.

4. On April 26, 2001, Applicants filed a Response to the Notification of Missing Requirements. Included with the Response were (1) the Transmittal Letter, (2) the executed Declaration and Power Attorney, (3) a copy of Notification of Missing Requirements, (4) Request for One Month Extension of Time, (5) a check for \$175.00 for the Request for Extension, and (6) Return Postcard. Copies of the Response along with the indicated documents are provided herewith as Exhibit B.

5. A Certificate of Mailing was included on each of the Response, the Transmittal Letter, and the Request for Extension of Time and was executed by Robert King on April 26, 2001, the date on which the Response and the documents indicated in paragraph (4) were mailed.

6. On April 30, 2001, the Response to the Notification of Missing Requirements was received by the U.S. Patent and Trademark Office - PCT Division, and the Return Postcard was stamped with the April 30, 2001 date. A copy of the stamped Return Postcard is provided herewith as Exhibit C.

7. On September 19, 2001, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the present application is abandoned as to the United States for failure to timely respond to the Notification of Missing Requirements within the response period set therein. A copy of this is provided as Exhibit D.

8. On September 27, 2001 Applicants attorney contacted Deborah Williams and her supervisor Ms. Green of the PCT Division regarding the Notification of Abandonment. Ms. Williams telephoned Applicants attorney indicating that she would investigate the Notification of Abandonment and get back to Applicants attorney at the end of the day, September 27, 2001.

9. On October 1, 2001, after not hearing from Ms. Williams, Applicants' attorney contacted and left a message for Ms. Williams inquiring the status of her investigation into the Notification of Abandonment.

10. On October 2, 2001, Applicants' attorney discussed with Ms. Williams the status of the investigation. Ms. Williams indicated that her request for the file has not been responded to, and that she will request the file again and get back to Applicants' attorney.

11. On October 11, 2001, Ms. Williams telephoned Applicants' attorney indicating that the Response to the Notification of Missing Requirements, mailed on April 26, 2001, was never received by the DO/EO/US. Ms. Williams suggested that the Response along with all papers originally filed with the Response to the Notification of Missing Requirements be facsimile transmitted to her at (703) 305-3230.

12. On October 11, 2001, after talking with Ms. Williams, Applicants' attorney transmitted by facsimile the documents requested by Ms. Williams. Provided herewith as Exhibit E.

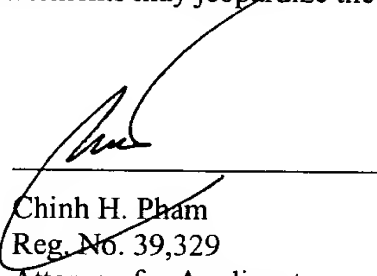
13. On October 15, 2001, Applicants' attorney contacted Ms. Williams to inquire whether Ms. Williams had received the facsimile transmitted documents. Ms. Williams indicated that she had received them. Copies of the notes memorializing the conversations, mentioned above, between Ms. Williams and Applicants' attorney are provided herewith as Exhibit F.

14. On December 5, 2001, a decision by the PCT Division was mailed in response to the documents filed by Applicants' attorney on October 11, 2001. The copies of the Response to Notification of Missing Requirements, along with the accompanying documents, were deemed a "Request" to accord the accompanying declaration an original filing date. The decision dismissed the Request. A copy of the decision is provided herewith as Exhibit G.

15. Applicants provide herewith a Renewed Petition Under 37 C.F.R. § 1.181.

The undersigned hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date:



Chinh H. Pham
Reg. No. 39,329
Attorney for Applicants

09/744,148



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Box PCT

Washington, D.C. 20230

U.S. APPLICATION NO.

09/744,148

ELSTEIN

FIRST NAMED APPLICANT

ATTY. REF. NO. 7.0

JAN 23 2002

FOLEY HOAG & ELIOT
ONE FOSTER OFFICE SQUARE
BOSTON MA 02109-2170

5071

INTERNATIONAL APPLICATION NO.

PCT/IL99/00381

EXHIBIT

A

FILING DATE

07/12/99

PRIORITY DATE

07/20/98

02/26/01

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494).
☒ an Elected Office (37 CFR 1.495):

- ☒ U.S. Basic National Fee.
☒ Copy of the international application in:
☐ a non-English language.
☒ English.

- ☐ Translation of the international application into English.
☐ Oath or Declaration of inventor(s) for DO/EO/US.
☐ Copy of Article 19 amendments.
☐ Translation of Article 19 amendments into English.
☐ The International Preliminary Examination Report in English and its Annexes, if any.
☐ Translation of Annexes to the International Preliminary Examination Report into English.
☒ Preliminary amendment(s) filed 19 January 2001 and _____.
☐ Information Disclosure Statement(s) filed _____ and _____.
☐ Assignment document.
☐ Power of Attorney and/or Change of Address.
☐ Substitute specification filed _____.
☐ Statement Claiming Small Entity Status.
☒ Priority Document.
☒ Copy of the International Search Report ☒ and copies of the references cited therein.
☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

RECEIVED

A copy of this notice MUST be returned with this response.

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation
☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Telephone: (703)-305-3747

MAR 02 2001

PATENT DEPT.
DOCKETING



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant or:

Elstein et al.

Serial No: 09/774,148

Filed: January 29, 2001

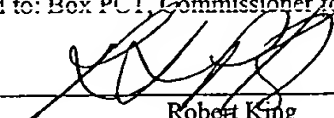
For: SOLAR BLIND UV VIEWING
APPARATUS AND CAMERA

Art Unit: To Be Assigned

Attorney Docket No.: LLE-007 01
(21379-701)

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, in an envelope addressed to: Box PCT, Commissioner for Patents, Washington, D.C. 20231, on April 26, 2001.


Robert King

TRANSMITTAL LETTER

Box PCT
Commissioner for Patents
Washington, DC 20231

Sir:

Enclosed herewith are:

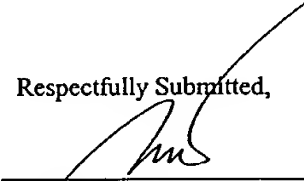
1. Response to Notification of Missing Requirements; 2. Check in the amount of \$175.00; 3. Declaration and Power of Attorney; 4. Copy of Notification of Missing Requirements Letter; and 5. Return Postcard. *and En*

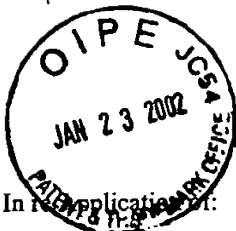
Although we believe that we have submitted the correct amount to cover the above-listed items, the Commissioner is authorized to credit any overpayment or charge any deficiencies to our Deposit Account No. 06-1448.

Respectfully Submitted,

Date: April 26, 2001

Customer No: 25181
Patent Group
Foley, Hoag LLP
One Post Office Square
Boston, MA 02109-2170


Chinh H. Pham
Reg. No. 39,329



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application No.:

Elstein et al.

Serial No: 09/744,148

Filed: January 29, 2001

For: SOLAR BLIND UV VIEWING
APPARATUS AND CAMERA

Art Unit: To Be Assigned

Attorney Docket No.: LLE-007.01
(21379-701)

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Robert King

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Box PCT
Commissioner for Patents
Washington, DC 20231

Sir:

In response to the Notification of Missing Requirements mailed 2/26/2001, Applicants enclose herewith a Combined Declaration and Power of Attorney for Patent Application for the above application. Also enclosed is a check in the amount \$175.00 of which \$110.00 is for one month extension fee and \$65.00 for late filing fee surcharge, and a copy of the Notification of Missing Requirements.

Although we believe that we have submitted the correct amount to cover the above-listed items, the Commissioner is authorized to credit any overpayment or charge any deficiencies to our Deposit Account No. 06-1448.

Respectfully Submitted,

Date: April 26, 2001

Customer No: 25181
Patent Group
Foley Hoag LLP
One Post Office Square
Boston, MA 02109-2170

Chinh H. Pham
Reg. No. 39,329

24. APR 2001 17:06

OF 1

0.835

P. 1/2

JAN 23 2002

DECLARATION FOR PATENT APPLICATION

Docket Number LLE-007.01

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SOLAR BLIND UV VIEWING APPARATUS AND CAMERA

the specification of which (check one)

☐ is attached hereto.

☐ was filed on _____ as United States Application Number or PCT International Application Number PCT/IL 99/00381 and was amended on Date (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in Title 37, Code of Federal Regulation, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

125417

(Number)

Israel

(Country)

20/07/1998

(Day/Month/Year Filed)

Priority Claimed

☐ Yes ☐ No

(Number)

(Country)

(Day/Month/Year Filed)

☐ Yes ☐ No

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States Provisional application(s) listed below.

(Application Number)

(Filing Date)

(Application Number)

(Filing Date)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which becomes available between the filing date of the prior application and the national or PCT international filing date of this application.

(Application Number)

(Filing Date)

(Status: patented, pending, abandoned)

(Application Number)

(Filing Date)

(Status: patented, pending, abandoned)

I hereby appoint Beth E. Arnold, Reg. No. 35,430; Isabelle Claus, Reg. No. 47,326; Kirk A. Damman, Reg. No. 42,461; Stephen B. Deutsch, Reg. No. 46,661; William D. DeVal, Reg. No. 42,483; Jason Gish, Reg. No. 42,581; Dana Gordon, Reg. No. 44,719; Robert A. Greenberg, Reg. No. 44,133; Jennifer K. Holmes, Reg. No. 46,778; David A. Lane, Reg. No. 39,361; W. Hugo Liepmann, Reg. No. 20,407; Robert A. Mazzarone, Reg. No. 42,852; Jim Olsen, Reg. No. 46,967; Kevin A. Oliver, Reg. No. 42,049; Chih H. Pham, Reg. No. 39,329; Philip C. Swain, Reg. No. 32,376; Kingsley L. Telf, Reg. No. 43,946; John Quisell, Reg. No. P-47,874; Anita Varma, Reg. No. 43,221; Sharon Webb, Reg. No. 47,172; and John L. Welch, Reg. No. 28,129 as attorneys/agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all telephone calls to Attorney at telephone number (617) 832-0.

Address all correspondence to:

Customer Id No: 25781

Patent Group

Foley, Hoag & Eliot LLP

One Post Office Square

Boston, MA 02109-2170

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name): Shimon Elstoft

Inventor's signature: Shimon Elstoft

Date: April 16, 2001

Residence: 40 Hahin Street, Mitzpe Shimon 79411, Israel

Citizenship: Israel

Post Office Address: _____

☐ Additional inventors are being named separately numbered sheets attached hereto.

Full name of second joint inventor (given name, family name): Melka Lindner

Inventor's signature: Melka Lindner

Date: April 24, 2001

Residence: 11 Hapartizamin Street, Rehovot 76217, Israel

Citizenship: Israel

Post Office Address: _____

Full name of third joint inventor (given name, family name): Pichas Lindner

Inventor's signature: Pichas Lindner

Date: April 24, 2001

Residence: 11 Hapartizamin Street, Rehovot 76217, Israel

Citizenship: Israel

Post Office Address: _____

Full name of fourth joint inventor (given name, family name): _____

Inventor's signature: _____

Date: _____

Residence: _____

Citizenship: _____

Post Office Address: _____

Full name of fifth joint inventor (given name, family name): _____

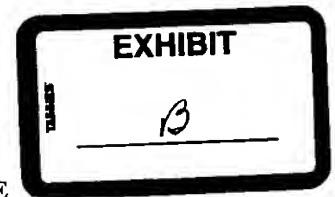
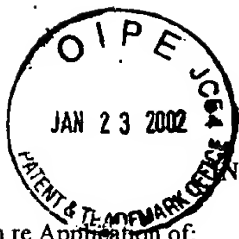
Inventor's signature: _____

Date: _____

Residence: _____

Citizenship: _____

Post Office Address: _____



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Elstein et al.

Serial No: 09/774,148

Filed: January 29, 2001

For: SOLAR BLIND UV VIEWING
APPARATUS AND CAMERA

Art Unit: To Be Assigned

Attorney Docket No.:LLE-007 01
(21379-701)

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Robert King

TRANSMITTAL LETTER

Box PCT
Commissioner for Patents
Washington, DC 20231

Sir:

Enclosed herewith are:

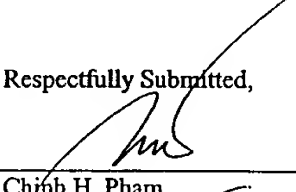
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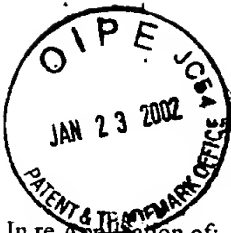
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Respectfully Submitted,

Date: April 26, 2001

Customer No: 25181
Patent Group
Foley, Hoag LLP
One Post Office Square
Boston, MA 02109-2170


Chinh H. Pham
Reg. No. 39,329



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Elstein et al.

Serial No: 09/744,148

Filed: January 29, 2001

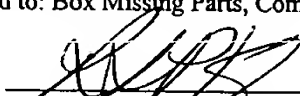
For: SOLAR BLIND UV VIEWING
APPARATUS AND CAMERA

Art Unit: To Be Assigned

Attorney Docket No.: LLE-007.01
(21379-701)

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Robert King

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Box PCT
Commissioner for Patents
Washington, DC 20231

Sir:

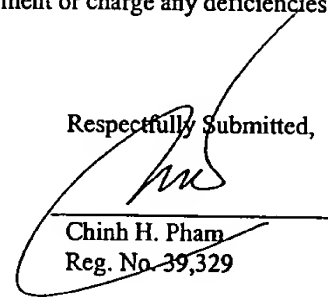
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Respectfully Submitted,

Date: April 26, 2001

Customer No: 25181
Patent Group
Foley Hoag LLP
One Post Office Square
Boston, MA 02109-2170


Chinh H. Pham
Reg. No. 39,329

24. APR. 2001 11:06

OFFIL LT

P. 1/2

JAN 23 2002

DECLARATION FOR PATENT APPLICATION

Docket Number LLE-007.01

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SOLAR BLIND UV VIEWING APPARATUS AND CAMERA

the specification of which (check one)

☐ is attached hereto.☐ was filed on _____ as United States Application Number or PCT International Application Number PCT/IL99/00381 and was amended on Date (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in Title 37, Code of Federal Regulation, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificates listed below and have also identified below any foreign application for patent or inventor's certificates having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

175417
(Number)Israel
(Country)20/07/1998
(Day/Month/Year Filed)

Priority Claimed

☐ Yes ☐ No

(Number)

(Country)

(Day/Month/Year Filed)

☐ Yes ☐ No

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States Provisional application(s) listed below.

(Application Number)

(Filing Date)

(Application Number)

(Filing Date)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

(Application Number)

(Filing Date)

(Status: patented, pending, abandoned)

(Application Number)

(Filing Date)

(Status: patented, pending, abandoned)

I hereby appoint Beth E. Arnold, Reg. No. 35,430; Isabelle Claus, Reg. No. 47,326; Kirk A. Demman, Reg. No. 42,461; Stephen B. Deutsch, Reg. No. 46,663; William D. DeVaul, Reg. No. 42,483; Jason Gish, Reg. No. 42,581; Dana Gordon, Reg. No. 44,719; Robert A. Greenberg, Reg. No. 44,133; Jennifer K. Helms, Reg. No. 46,778; David A. Lane, Reg. No. 39,261; W. Hugo Lippmann, Reg. No. 20,407; Robert A. Mazzarino, Reg. No. 42,852; Jim Olsen, Reg. No. 46,967; Kevin A. Oliver, Reg. No. 42,049; Chinh H. Pham, Reg. No. 39,329; Philip C. Swain, Reg. No. 32,376; Kingsley L. Taft, Reg. No. 43,946; John Quisil, Reg. No. P-47,874; Anita Varma, Reg. No. 43,221; Sharon Webb, Reg. No. 47,172; and John L. Welch, Reg. No. 28,129 as attorneys/agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all telephone calls to Attorney at telephone number (617) 832-0.

Address all correspondence to:

Customer Id No: 25181

Patent Group

Foley, Hoag & Elliot LLP

One Post Office Square

Boston, Ma. 02109-2170

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name): Shimon Elstein

Inventor's signature: Shimon ElsteinDate: April 16, 2001Residence: 40 Hahin Street, Maccas Sharita 79411, IsraelCitizenship: IL, Israel

Post Office Address: _____

☐ Additional inventors are being named separately numbered sheets attached hereto.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Elstein et al.

Serial No: 09/744,148

Filed: January 29, 2001

For: SOLAR BLIND UV VIEWING
APPARATUS AND CAMERA

Art Unit: To Be Assigned

Attorney Docket No.: LLE-007.01
(21379-701)

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231, on April 26, 2001.


Robert King

PETITION FOR A ONE-MONTH EXTENSION OF TIME

Sir:

Applicants hereby petition for a One-month extension of time, pursuant to 37 CFR 1.1.36(a) for filing a response to the mailed Notice to File Missing Parts in the above-identified application.

A check in the amount of \$110.00 for the extension fee is enclosed. The Commissioner is hereby authorized to charge any under-payments or credit any overpayments to our Deposit Account No. 06-1448.

Respectfully Submitted,

By: 

Chinh H. Pham

Reg. No. 39,329

Agent/Attorney for Applicants

Customer No: 25181
Patent Group
Foley Hoag LLP
One Post Office Square
Boston, MA 02109-2170
Tel. (617) 832-1000
Fax. (617) 832-7000
Date: April 26, 2001



FOLEY FOLEY, HOAG & ELIOT LLP
HOAG PATENT ACCOUNT
ATTORNEYS AT LAW 1 POST OFFICE SQUARE
BOSTON, MA 02109

FLEET NATIONAL BANK
BOSTON, MA 02115
5-13/110

3

4/25/2001

PAY TO THE ORDER OF Commissioner Of Patents And Trademarks \$ **175.00

One Hundred Seventy-Five and 00/100***** DOLLARS

MEMO Filing Missing Parts and Surcharge

Postcard and Listed Documents is/are
being deposited Under 37 CFR §1.8(a)

Docket No. LLE-007.01
(21379-701)
Appln. No. 09/774,148

Title: SOLAR BLIND UV VIEWING APPARATUS AND CAMERA

The following was/were received in the U.S. Patent & Trademark Office Mail Room
on the date stamped hereon: Response to Notification of Missing Requirements; check in
amount of \$110.00 for the surcharge; copy of Notification of Missing Requirements Lette
Transmittal Letter and this postcard.

Dated: April 26, 2001

Chinh H. Pham
Reg. No. 39,329

09/744,148

U.S. APPLICATION NO. 09/744,148

JAN 23 2002

FOLEY HOAG FLETCHER SMITH & MILES
ONE POST OFFICE SQUARE
BOSTON MA 02109-2170

Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 205

FIRST NAMED APPLICANT ELSTEIN

ATTY. REF. NO. 7.0

INTERNATIONAL APPLICATION NO. PCT/IL99/00381

U.S. FILING DATE 07/12/99

PRIORITY DATE 07/20/98

DATE MAILED 02/26/01

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

- ☐ a non-English language.
☒ English.

☐ Translation of the international application into English.

☐ Oath or Declaration of inventors(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☐ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☒ Preliminary amendment(s) filed 19 January 2001 and

☐ Information Disclosure Statement(s) filed 19 January 2001 and

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed

☐ Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice *MUST* be returned with this response.

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Telephone: (703) 305-3111

RECEIVED

MAR 02 2001

PATENT DEPT.
DOCKETING

Postcard and Listed Documents is/are
being deposited Under 37 CFR §1.8(a)

Docket No. LLE-007.01
(21379-701)
Appln. No. 09/774,148

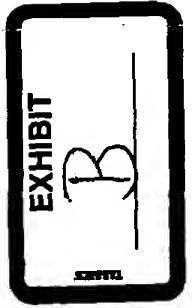
Title: SOLAR BLIND UV VIEWING APPARATUS AND CAMERA

The following was/were received in the U.S. Patent & Trademark Office Mail Room

on the date stamped hereon: Response to Notification of Missing Requirements; check in
amount of \$110.00 for the surcharge; copy of Notification of Missing Requirements Letter
Pat. Govt. for extension of time
Transmittal Letter and this postcard
JC03 Rec'd PCT/PTO 30 APR 2001

Dated: April 26, 2001

Chinh H. Pham
Reg. No. 39,329





Postcard and Listed Documents is/are
being deposited Under 37 CFR §1.8(a)

Docket No. LLE-007.01
(21379-701)
Appln. No. 09/774,148

Title: SOLAR BLIND UV VIEWING APPARATUS AND CAMERA

The following was/were received in the U.S. Patent & Trademark Office Mail Room
on the date stamped hereon: Response to Notification of Missing Requirements; check in
amount of \$110.00 for the surcharge; copy of Notification of Missing Requirements Lette
Transmittal Letter and this postcard
Pet. was for a new design of a camera
JC03 Rec'd TCT/PTO 30 APR 2001

Dated: April 26, 2001

Chinh H. Pham
Reg. No. 39,329

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Elstein et al.

Serial No: 09/744,148

Filed: January 29, 2001

For: SOLAR BLIND UV VIEWING
APPARATUS AND CAMERA

Art Unit: To Be Assigned

Attorney Docket No.: LLE-007.01
(21379-701)

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231, on April 26, 2001.


Robert King

PETITION FOR A ONE-MONTH EXTENSION OF TIME

Sir:

Applicants hereby petition for a One-month extension of time, pursuant to 37 CFR 1.1.36(a) for filing a response to the mailed Notice to File Missing Parts in the above-identified application.

A check in the amount of \$110.00 for the extension fee is enclosed. The Commissioner is hereby authorized to charge any under-payments or credit any overpayments to our Deposit Account No. 06-1448.

Respectfully Submitted,

Customer No: 25181
Patent Group
Foley Hoag LLP
One Post Office Square
Boston, MA 02109-2170
Tel. (617) 832-1000
Fax. (617) 832-7000
Date: April 26, 2001

By: 

Chinh H. Pham
Reg. No. 39,329
Agent/Attorney for Applicants



FOLEY FOLEY, HOAG & ELIOT LLP
HOAG PATENT ACCOUNT
ATTORNEYS AT LAW 1 POST OFFICE SQUARE
BOSTON, MA 02109

FLEET NATIONAL BANK
BOSTON, MA 02115
5-13/110

3

4/25/2001

PAY TO THE
ORDER OF

Commissioner Of Patents And Trademarks

\$ **175.00

One Hundred Seventy-Five and 00/100***** DOLLARS

MEMO.

FOLEY, HOAG & ELIOT LLP / PATENT ACCOUNT

Commissioner Of Patents And Trademarks
21379-701(exp823)

4/25/2001

3659

175.00

Patent Account

Filing Missing Parts and Surcharge

175.00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Elstein et al.

Serial No: 09/774,148

Filed: January 29, 2001

For: SOLAR BLIND UV VIEWING
APPARATUS AND CAMERA

Art Unit: To Be Assigned

Attorney Docket No.: LLE-007 01
(21379-701)

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, in an envelope addressed to: Box PCT, Commissioner for Patents, Washington, D.C. 20231, on April 26, 2001.


Robert King

TRANSMITTAL LETTER

Box PCT
Commissioner for Patents
Washington, DC 20231

Sir:

Enclosed herewith are:

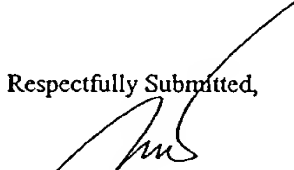
1. Response to Notification of Missing Requirements; 2. Check in the amount of \$175.00; 3. Declaration and Power of Attorney; 4. Copy of Notification of Missing Requirements Letter; and 5. Return Postcard. *and En*

Although we believe that we have submitted the correct amount to cover the above-listed items, the Commissioner is authorized to credit any overpayment or charge any deficiencies to our Deposit Account No. 06-1448.

Respectfully Submitted,

Date: April 26, 2001

Customer No: 25181
Patent Group
Foley, Hoag LLP
One Post Office Square
Boston, MA 02109-2170


Chinh H. Pham
Reg. No. 39,329

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Elstein et al.

Serial No: 09/744,148

Filed: January 29, 2001

For: SOLAR BLIND UV VIEWING
APPARATUS AND CAMERA

Art Unit: To Be Assigned

Attorney Docket No.: LLE-007.01
(21379-701)

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231, on April 26, 2001.


Robert King

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Box PCT
Commissioner for Patents
Washington, DC 20231

Sir:

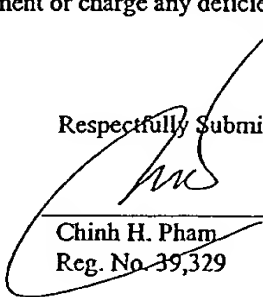
In response to the Notification of Missing Requirements mailed 2/26/2001, Applicants enclose herewith a Combined Declaration and Power of Attorney for Patent Application for the above application. Also enclosed is a check in the amount \$175.00 of which \$110.00 is for one month extension fee and \$65.00 for late filing fee surcharge, and a copy of the Notification of Missing Requirements.

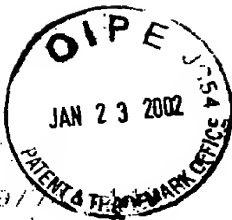
Although we believe that we have submitted the correct amount to cover the above-listed items, the Commissioner is authorized to credit any overpayment or charge any deficiencies to our Deposit Account No. 06-1448.

Respectfully Submitted,

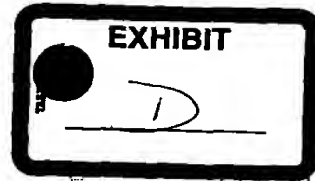
Date: April 26, 2001

Customer No: 25181
Patent Group
Foley Hoag LLP
One Post Office Square
Boston, MA 02109-2170


Chinh H. Pham
Reg. No. 39,329



Petition to Withdraw Aband.
DOCKETED
DUE: 11.19.01



EW

09/11

ELSTEIN

07.01 (

FOLEY HOAG & ELIOT
ONE POST OFFICE SQUARE
BOSTON, MA 02109-2170



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS 9/00381
Box PCT
Washington, D.C. 20231

LEE-00701

U.S. APPLICATION NO. FIRST NAMED APPLICANT 07/12/99 ATTY. DOCKET NO. 07/20/98

INTERNATIONAL APPLICATION NO. 09/17/01

09/744,148

ELSTEIN

I.A. FILING DATE PRIORITY DATE 07.01 (

5071

FOLEY HOAG & ELIOT
ONE POST OFFICE SQUARE
BOSTON, MA 02109-2170

DATE MAILED:

PCT/IL99/00381

NOTIFICATION OF ABANDONMENT

07/12/99 07/20/98
09/19/01

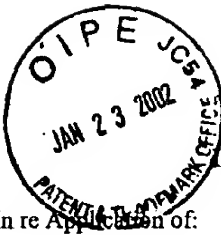
The United States Patent and Trademark Office in its capacity as

☐ a Designated Office (37 CFR 1.494), ☒ an Elected Office (37 CFR 1.495), has made the following determination:

1. ☐ Applicant's letter of express abandonment received _____ is in compliance with CFR 1.138 and is hereby acknowledged.
2. ☐ Applicant has failed to provide the full U.S. Basic National Fee by ☐ 20 months (37 CFR 1.494(b)(2)), ☐ 30 months (37 CFR 1.495(b)(2)).
3. ☒ Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed _____ within the time period set therein.
4. ☐ Applicant has failed to properly respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed _____ within the time period set therein. See the attached NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916).
5. ☐ Other.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C 371 and 37 CFR ☐ 1.494, ☒ 1.495 and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

Richard A. Williams
Telephone: 703-305-3177



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Elstein et al.

Serial No: 09/744,148

Filed: January 29, 2001

For: SOLAR BLIND UV VIEWING
APPARATUS AND CAMERA

Art Unit: To Be Assigned

Attorney Docket No.: LLE-007.01
(21379-701)

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231, on April 26, 2001.


Robert King

PETITION FOR A ONE-MONTH EXTENSION OF TIME

Sir:

Applicants hereby petition for a One-month extension of time, pursuant to 37 CFR 1.1.36(a) for filing a response to the mailed Notice to File Missing Parts in the above-identified application.

A check in the amount of \$110.00 for the extension fee is enclosed. The Commissioner is hereby authorized to charge any under-payments or credit any overpayments to our Deposit Account No. 06-1448.

Respectfully Submitted,

By: 

Chinh H. Pham

Reg. No. 39,329

Agent/Attorney for Applicants

Customer No: 25181
Patent Group
Foley Hoag LLP
One Post Office Square
Boston, MA 02109-2170
Tel. (617) 832-1000
Fax. (617) 832-7000
Date: April 26, 2001



FOLEY FOLEY, HOAG & ELIOT LLP
HOAG PATENT ACCOUNT
ATTORNEYS AT LAW 1 POST OFFICE SQUARE
BOSTON, MA 02109

FLEET NATIONAL BANK
BOSTON, MA 02115
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4/25/2001

PAY TO THE
ORDER OF

Commissioner Of Patents And Trademarks

\$ **175.00

One Hundred Seventy-Five and 00/100***** DOLLARS

MEMO.

FOLEY, HOAG & ELIOT LLP / PATENT ACCOUNT

Commissioner Of Patents And Trademarks
21379-701(cxp823)

4/25/2001

3659

175.00

Patent Account

Filing Missing Parts and Surcharge

175.00



DEC 05 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

LL9-00701

Request for Reconsideration

DOCKETED

DUE: 2-5-02

Patent Group
Foley, Hoag & Eliot LLP
One Post Office Square
Boston, MA 02109-2170

In re Application of ELSTEIN et al
U.S. Application No.: 09/744,148
Int. Application No.: PCT/IL99/00381
Int. Filing Date: 12 July 1999
Priority Date: 20 July 1998
Attorney Docket No.: LLP-007.01 (21379-701)
For: SOLAR BLIND UV VIEWING APPARATUS
AND CAMERA

DECISION

This is in response to applicants' letter filed 11 October 2001, which is being treated as a request to accord the accompanying declaration an original filing date of 30 April 2001.



BACKGROUND

On 12 July 1999, applicants filed international application PCT/IL99/00381, which claimed priority of an earlier Israel application filed 20 July 1998. A copy of the international application was communicated to the USPTO from the International Bureau on 03 February 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 11 February 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 22 January 2001 (20 January 2001 was a Saturday).

On 19 January 2001, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 26 February 2001, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 19 September 2001, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the present application is abandoned as to the United States.

RECEIVED

DEC 14 2001

hwp

States for failure to timely respond to the Notification of Missing Requirements within the response period set therein.

On 11 October 2001, applicants filed the present petition. The petition states that it is accompanied by a copy of a response to the Notification of Missing Requirements purportedly filed on 30 April 2001 and a copy of a return postcard receipt.

DISCUSSION

MPEP 503 states in relevant part,

The postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard. . . . Each separate component should be specifically and properly itemized on the postcard. Furthermore, merely incorporating by reference in the postcard receipt, the items listed in a transmittal letter will not serve as *prima facie* evidence of receipt of those items.

In the present case, the copy of the return postcard receipt filed with the present request does not list a declaration in its itemized contents. The listing of a "Response to Notification of Missing Requirements" is insufficient. As set forth above, incorporation by reference in a postcard receipt does not serve as *prima facie* evidence or receipt of those items.

It is further noted that the declaration filed 11 October 2001 is improper because it is illegible.

CONCLUSION

For the reasons above, the petition is DISMISSED without prejudice.

If reconsideration on the merits of this decision is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181".

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.



Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 703-308-6614
Facsimile: 703-308-6459

The following was/were received in the U.S. Patent & Trademark Office Mail Room on the date stamped hereon: Renewed Petition Under 37 § 1.181; Statement of Facts with Exh. A (Notification of Missing Requirements); Exh. B (Transmittal Letter, executed Declaration and Power of Attorney, a copy of Notification of Missing Requirements, Request for One Month Ext. of Time, check for \$175. for the Request for Extension and Return Postcard); Exh. C (Stamped Return Postcard; Exh D (Notification of Abandonment Exh. E (Facsimile of Response to Missing Parts as originally filed with attachments); Exh. F (Copies of Notes of conversations with Ms. Williams); (Exh. G - Decision) and Statement Attesting to Mailing of P.T.O. Correspondence under 37 C.F.R. § 1.8(a) and this postcard.

Dated: December 18, 2001

Chinh H. Pham
Reg. No. 39,329



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Elstein et al. Atty Docket: LLE-007.01
(21379-701)
Serial No.: 09/744,148 Art Unit: N/A
Date Filed: January 19, 2001 Examiner: Tung, B.
Based on PCT/IL99/00381 Filed: July 12, 1999 Date: December 18, 2001
Invention: SOLAR BLIND UV VIEWING APPARATUS
AND CAMERA

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231 on December 18, 2001.


William Homan

Commissioner for Patents
U.S. Patent and Trademark Office
Washington, D.C. 20231

Renewed Petition Under 37 § 1.181

Dear Sir:

In response to the U.S. Patent and Trademark - PCT Division's decision dated December 5, 2001, in which the PCT Examiner Brian Tung denied Applicants' request that the executed Declaration for the above application be considered as timely filed in response to the Notification of Missing Requirements, dated February 26, 2001, Applicants submit the following:

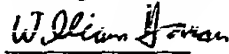
- 1) A Statement of Facts regarding the filing of the executed Declaration;
- 2) Affidavit by Robert King attesting that the executed Declaration was mailed on the dated indicated in the Certificate of Mailing accompanying the Declaration;
- 3) Copies of the Response to the Notification of Missing Requirements, as filed, including a copy of the executed Declaration and a copy of the returned postcard, as filed, and as stamped by the DO/EO/US;

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Elstein et al..	Atty Docket:	LLE-007.01 (21379-701)
Serial No.:	09/744,148	Art Unit:	N/A
Date Filed:	January 19, 2001	Examiner:	Tung, B.
Based on PCT/IL99/00381 Filed:	July 12, 1999	Date:	December 18, 2001
Invention:	SOLAR BLIND UV VIEWING APPARATUS AND CAMERA		

CERTIFICATE OF MAILING

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William Homan

Commissioner for Patents
U.S. Patent and Trademark Office
Washington, D.C. 20231

Statement of Facts

1. On July 12, 1999, Applicants filed international application PCT/IL99/00381, which claimed priority to an earlier Israeli application, filed July 20, 1998. A copy of the international application was communicated to the U.S. Patent and Trademark Office from the International Bureau on February 3, 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on February 11, 2000, prior to the expiration of nineteen (19) months from the priority date. The thirty (30) month period for paying the basic national fee in the United States expired at midnight on January 22, 2001 (January 20, 2001 was as Saturday).

2. On January 19, 2001, Applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. § 371(c)(1).

3. On February 26, 2001, the DO/EO/US mailed a Notification of Missing Requirements under 35 U.S.C. § 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 C.F.R. § 1.497 must be filed. A copy of this is provided as Exhibit A.

4. On April 26, 2001, Applicants filed a Response to the Notification of Missing Requirements. Included with the Response were (1) the Transmittal Letter, (2) the executed Declaration and Power Attorney, (3) a copy of Notification of Missing Requirements, (4) Request for One Month Extension of Time, (5) a check for \$175.00 for the Request for Extension, and (6) Return Postcard. Copies of the Response along with the indicated documents are provided herewith as Exhibit B.

5. A Certificate of Mailing was included on each of the Response, the Transmittal Letter, and the Request for Extension of Time and was executed by Robert King on April 26, 2001, the date on which the Response and the documents indicated in paragraph (4) were mailed.

6. On April 30, 2001, the Response to the Notification of Missing Requirements was received by the U.S. Patent and Trademark Office - PCT Division, and the Return Postcard was stamped with the April 30, 2001 date. A copy of the stamped Return Postcard is provided herewith as Exhibit C.

7. On September 19, 2001, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the present application is abandoned as to the United States for failure to timely respond to the Notification of Missing Requirements within the response period set therein. A copy of this is provided as Exhibit D.

8. On September 27, 2001 Applicants attorney contacted Deborah Williams and her supervisor Ms. Green of the PCT Division regarding the Notification of Abandonment. Ms. Williams telephoned Applicants attorney indicating that she would investigate the Notification of Abandonment and get back to Applicants attorney at the end of the day, September 27, 2001.

9. On October 1, 2001, after not hearing from Ms. Williams, Applicants' attorney contacted and left a message for Ms. Williams inquiring the status of her investigation into the Notification of Abandonment.

10. On October 2, 2001, Applicants' attorney discussed with Ms. Williams the status of the investigation. Ms. Williams indicated that her request for the file has not been responded to, and that she will request the file again and get back to Applicants' attorney.

11. On October 11, 2001, Ms. Williams telephoned Applicants' attorney indicating that the Response to the Notification of Missing Requirements, mailed on April 26, 2001, was never received by the DO/EO/US. Ms. Williams suggested that the Response along with all papers originally filed with the Response to the Notification of Missing Requirements be facsimile transmitted to her at (703) 305-3230.

12. On October 11, 2001, after talking with Ms. Williams, Applicants' attorney transmitted by facsimile the documents requested by Ms. Williams. Provided herewith as Exhibit E.

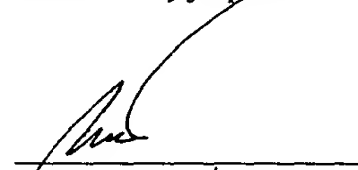
13. On October 15, 2001, Applicants' attorney contacted Ms. Williams to inquire whether Ms. Williams had received the facsimile transmitted documents. Ms. Williams indicated that she had received them. Copies of the notes memorializing the conversations, mentioned above, between Ms. Williams and Applicants' attorney are provided herewith as Exhibit F.

14. On December 5, 2001, a decision by the PCT Division was mailed in response to the documents filed by Applicants' attorney on October 11, 2001. The copies of the Response to Notification of Missing Requirements, along with the accompanying documents, were deemed a "Request" to accord the accompanying declaration an original filing date. The decision dismissed the Request. A copy of the decision is provided herewith as Exhibit G.

15. Applicants provide herewith a Renewed Petition Under 37 C.F.R. § 1.181.

The undersigned hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date:



Chinh H. Pham
Reg. No. 39,329
Attorney for Applicants



JAN 29 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Patent Group
Foley, Hoag & Eliot LLP
One Post Office Square
Boston, MA 02109-2170

Request for Reconsideration
DOCKETED
DUE: 3/23/02

In re Application of ELSTEIN et al
U.S. Application No.: 09/744,148
Int. Application No.: PCT/IL99/00381
Int. Filing Date: 12 July 1999
Priority Date: 20 July 1998
Attorney Docket No.: LLP-007.01 (21379-701)
For: SOLAR BLIND UV VIEWING APPARATUS
AND CAMERA

DECISION

This is in response to applicants' "Renewed Petition Under 37 CFR §1.181" filed
15 January 2002.



BACKGROUND

On 12 July 1999, applicants filed international application PCT/IL99/00381, which claimed priority of an earlier Israel application filed 20 July 1998. A copy of the international application was communicated to the USPTO from the International Bureau on 03 February 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 11 February 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 22 January 2001 (20 January 2001 was a Saturday).

On 19 January 2001, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 26 February 2001, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 19 September 2001, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the present application is abandoned as to the United

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JAN 29 2002

PATENT DEPT.
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States for failure to timely respond to the Notification of Missing Requirements within the response period set therein.

On 11 October 2001, applicants filed a copy of an executed declaration purportedly filed on 30 April 2001, a copy of a return postcard receipt, and a petition to accord the declaration an original filing date of 30 April 2001.

On 05 December 2001, this Office mailed a decision dismissing the 11 October 2001 petition on grounds that the return postcard receipt did not contain a declaration in its itemized contents.

On 15 January 2002, applicants filed the present renewed petition along with the affidavit of Robert King.

DISCUSSION

MPEP 503 states, in relevant part,

The postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard. . . . Each separate component should be specifically and properly itemized on the postcard. Furthermore, merely incorporating by reference in the postcard receipt, the items listed in a transmittal letter will not serve as *prima facie* evidence of receipt of those items.

In the present case, the copy of the return postcard receipt does not list a declaration in its itemized contents. The listing of a "Response to Notification of Missing Requirements" is insufficient. As set forth above, incorporation by reference in a postcard receipt does not serve as *prima facie* evidence or receipt of those items. Because applicants have not submitted a properly itemized stamped return postcard receipt, applicants are not entitled to the relief requested. The submission of affidavits, including those by persons with firsthand knowledge of the mailing of the correspondence in question, does not remedy the lack of a proper return postcard receipt.

It is further noted that a legible declaration still has not been filed.

CONCLUSION

For the reasons above, the renewed petition is **DISMISSED** without prejudice.

If reconsideration on the merits of this decision is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181".

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.



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